

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ADEWALE ANIYELOYE,

Defendant.

8:16CR305

ORDER

This matter is before the Court on defendant Adewale Aniyeloye's pro se ("Aniyeloye") Notice of Appeal (Filing No. 89) filed on January 3, 2022. He did not include the \$505.00 filing and docketing fees or a request to proceed in forma pauperis. In his underlying criminal case, Aniyeloye retained his own defense counsel (Filing Nos. 33 and 54), so on January 6, 2022, the Court ordered (Filing No. 91) him to either submit the filing and docketing fees to the Clerk's Office or submit a request to proceed in forma pauperis within thirty days. *See* Fed. R. App. P. 24 (a)(1).

On February 14, 2022, the Court received an email from Christopher Reese ("Reese"), apparently on behalf of Aniyeloye, with an attached Affidavit Accompanying Motion For Permission to Appeal In Forma Pauperis. In fact, the email was first sent to a different judge's chambers in the District of North Dakota and then forwarded to this Court.

Reese has previously sent submissions by email and fax to this Court for Aniyeloye, without identifying his relationship to Aniyeloye. Specifically, Reese has not identified himself as Aniyeloye's attorney. The Court has already notified (Filing No. 85) Reese that his emails and "third-party submissions would not be accepted or filed on behalf of Aniyeloye." *See* NECrimR 49.1(c) (noting email filings are not allowed); *cf.*

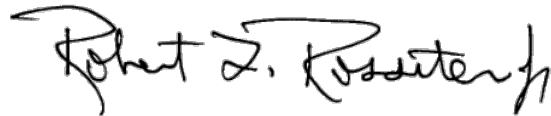
Fed. R. Civ. P. 11(a).¹ Because the Court will not consider his email submission, Aniyeloye's time to either pay the filing and docket fees or request to proceed in forma pauperis has now passed. *See* Fed. R. App. 3(a)(2) ("An appellant's failure to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for the court of appeals to act as it considers appropriate, including dismissing the appeal.").

Accordingly, the Clerk of Court is directed to send a copy of this Order and the Notice of Appeal to the Clerk of the United States Court of Appeals for the Eighth Circuit pursuant to Federal Rule of Appellate Procedure 24(a)(4)(C).

IT IS SO ORDERED.

Dated this 16th day of February 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
Chief United States District Judge

¹While not dispositive, the most recent email attachment contains what is purported to be Aniyeloye's signature, but it does not come close to matching his previous signature. (Filing No. 87).